

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE 3/29/23

DAVID NAGELBERG, *individually and as*
TRUSTEE of the DAVID S. NAGELBERG 2003
REVOCABLE TRUST and PENSCO C/F DAVID
S. NAGELBERG ROTH IRA, MATTHEW
HAYDEN, MITCHELL KNAPP, LAWRENCE
J. SHEER DDS PSP, WILLIAM J. ROUHANA,
JR., AMY NEWMARK, TIMOTHY ROUHANA,
ROSEMARY ROUHANA, ELLA DAMIANO,
MICHAEL DAMIANO, and LONDONDERRY
CAPITAL LLC,

Plaintiffs,

-against-

JOSEPH MELI, MATTHEW HARRITON, 875
HOLDINGS, LLC, ADVANCE
ENTERTAINMENT, LLC, ADVANCE
ENTERTAINMENT II, LLC, 127 HOLDINGS
LLC, and TRIPOINT GLOBAL EQUITIES, LLC,

Defendants.

Case No: 17-cv-02524 (LLS)

~~PROPOSED~~ FINAL JUDGMENT AND ORDER

WHEREAS on April 26, 2017, Plaintiffs filed the operative Amended Complaint in this Action, asserting, among other things, claims on behalf of all Plaintiffs against Defendants Joseph Meli, Advance Entertainment, LLC, Advance Entertainment II, LLC, and 127 Holdings, LLC (collectively, the “Meli Defendants”) and Defendants Matthew Harriton and 875 Holdings, LLC (the “Harriton Defendants”) for (i) Fraud in Connection with the Purchase or Sale of Securities in violation of Section 10(b) of the Exchange Act and Rule 10b-5(a)–(c); and (ii) Common-Law Fraud; and claims on behalf of two Plaintiffs against TriPoint Global Equities, LLC (“TriPoint”) for (i) Common-Law Fraud and (ii) Negligent Misrepresentation;

WHEREAS, on February 14, 2023, the Court entered final judgment against the Harriton Defendants;

WHEREAS on February 28, 2023, the Clerk of Court entered a Certificate of Default as to the Meli Defendants and TriPoint;

NOW, therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Judgment is entered in favor of Plaintiffs against each of Joseph Meli, Advance Entertainment LLC, Advance Entertainment II, LLC, 127 Holdings, LLC, and TriPoint Global Equities, LLC:

a. Against the Meli Defendants and TriPoint, jointly and severally, in favor of Plaintiff David Nagelberg, individually and as Trustee of the David S. Nagelberg 2003 Revocable Trust and Pensco c/f David S. Nagelberg Roth IRA, in the amount of \$3,513,443.49, which includes applicable prejudgment interest;

b. Against the Meli Defendants and TriPoint, jointly and severally, in favor of Plaintiff Matthew Hayden in the amount of \$2,410,139.90, which includes applicable prejudgment interest;

c. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Mitchell Knapp in the amount of \$347,150.68, which includes applicable prejudgment interest;

d. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Lawrence J. Sheer DDS PSP in the amount of \$347,150.68, which includes applicable prejudgment interest;

e. Against the Meli Defendants, jointly and severally, in favor of Plaintiff William J. Rouhana, Jr. in the amount of \$272,872.24, which includes applicable prejudgment interest;

f. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Amy Newmark in the amount of \$177,512.04, which includes applicable prejudgment interest;

g. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Timothy

Rouhana in the amount of \$177,470.80, which includes applicable prejudgment interest;

h. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Rosemary Rouhana in the amount of \$177,470.80, which includes applicable prejudgment interest;

i. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Ella Damiano in the amount of \$177,470.80, which includes applicable prejudgment interest;

j. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Michael Damiano in the amount of \$177,491.42, which includes applicable prejudgment interest; and

k. Against the Meli Defendants, jointly and severally, in favor of Plaintiff Londonderry Capital LLC in the amount of \$120,034.21, which includes applicable prejudgment interest.

2. The Court finds there is no just reason for delay in entering final judgment against the Meli Defendants and TriPoint pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Accordingly, the clerk is hereby directed to enter this Judgment forthwith pursuant to Rule 54(b).

~~3. The Court shall retain jurisdiction over enforcement of this Final Judgment and~~ L L 5
Order.

SO ORDERED.

Dated: March 29, 2023
New York, New York

Louis L. Stanton
HON. LOUIS L. STANTON
United States District Judge